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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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17 GIL CROSTHWAITE, et al., as Trustees of the
18 OPERATING ENGINEERS HEALTH AND
19 WELFARE TRUST FUND FOR NORTHERN
20 CALIFORNIA, et al.,

Case No.: C08-1560 MHP

NOTICE OF VOLUNTARY DISMISSAL

21

Plaintiffs,
v.
JOLANDCO, INC.,

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Defendant.

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PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), plaintiffs GIL CROSTHWAITE and RUSS BURNS, in their respective capacities as Trustees of the OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA, et al., voluntarily dismiss, without prejudice, their claim against defendant JOLANDCO, INC. Defendant has neither served an answer nor moved for summary judgment, and plaintiffs have not previously filed or dismissed any similar action against defendant.

Defendant entered into a Stipulation for Entry of Judgment (“Stipulation”) establishing a payment plan to satisfy the amounts owed by defendants to plaintiffs in this current action.

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NOTICE OF VOLUNTARY DISMISSAL
CASE NO.: C08-1560 MHP

1 Plaintiffs will only file the Stipulation should defendants fail to make any payment required under
2 the Stipulation.

3 It is therefore requested that this action be dismissed without prejudice, and that the Court
4 shall retain jurisdiction over this matter.
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6 I declare under penalty of perjury that I am the attorney for the plaintiffs in the above
7 entitled action, and that the foregoing is true of my own knowledge.
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10 Executed this 26th day of June, 2008, at San Francisco, California.
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SALTZMAN & JOHNSON
LAW CORPORATION

13 By: _____ /s/ _____
14 Michele R. Stafford
15 Attorneys for Plaintiffs
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IT IS SO ORDERED.

This case is dismissed without prejudice and the Court shall retain jurisdiction over this
matter.
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Date: _____

UNITED STATES DISTRICT COURT JUDGE
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PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On June 26, 2008, I served the following document(s):

NOTICE OF VOLUNTARY DISMISSAL

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Christopher D. Johnson
Authorized Agent for Service of Process
Jolandco, Inc.
9083 Foothills Blvd., Suite 350
Roseville, California 95747**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 26th day of June, 2008, at San Francisco, California.

/s/
Vanessa de Fábrega